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THE PROCTER & GAMBLE COMPANY
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6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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OFFICE OF PETITIONS

In re Application of : DECISION ON
Chie Ohba : PETITION
Application No.: 10/612197 :
Filed: 07/02/2003 :
Attorney Docket Number: AA537C :

This is a decision in response to the Petition for Withdrawal of the Holding of Abandonment, filed November 8, 2006. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition to withdraw the holding of abandonment is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final office action mailed April 10, 2006. The final office action indicated that no claims were allowed. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed an Amendment in response to the Office action on June 12, 2006; however, the Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed July 5, 2006.

No complete and proper reply having been received, the application became abandoned on July 11, 2006. A Notice of Abandonment was mailed October 10, 2006.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action, to wit – a Notice of Appeal and Extension of time request and fee, were filed on September 11, 2006. In support of this assertion, Applicant files a copy of the Reply and a copy of his Auto-Reply Facsimile Transmission Report indicating receipt by this office of 3 pages of transmission on September 11, 2006. Applicant also files a copy of the Sending Unit's Transmission Report confirming the transmission of 3 pages to this Office on September 11, 2006.

In view of the above, the holding of abandonment for failure to timely and properly reply to the final Office action is hereby withdrawn.

The application is being referred to Technology Center Art Unit 3761 to await the filing of Appeal brief¹.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek Woods
Derek L. Woods
Attorney
Office of Petitions

¹ The time period for filing an Appeal Brief is two months from the date of receipt of the Notice of Appeal. Extensions of time are available.